



founded 1881

December 20, 2010

Ms. Carole Cifrino
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333

By Email

RE: Implementing Product Stewardship in Maine – 2011 Report

Dear Ms. Cifrino:

On behalf of the Consumer Healthcare Products Association (CHPA), thank you for the opportunity to comment on *Implementing Product Stewardship in Maine*, the 2011 Report to the Joint Standing Committee on Natural Resources submitted by the Maine Department of Environmental Protection (DEP). Founded in 1881, CHPA is a member-based association representing the leading manufacturers and distributors of nonprescription, over-the-counter (OTC) medicines and nutritional supplements. CHPA respectfully opposes the report's recommendations regarding pharmaceuticals, specifically as they relate to OTC medicines.

As authorized by Maine's Product Stewardship Law (38 MRSA §1771-1775), the DEP's report proposes products that may be appropriately managed under a product stewardship program and recommends changes to existing stewardship programs. At its discretion, the Joint Standing Committee on Natural Resources may then introduce legislation based on this report. The report also includes legislation that would implement these recommendations.

The report recommends legislation to create a product stewardship program for the collection and disposal of unwanted pharmaceuticals to be funded by pharmaceutical manufacturers and operated by the state until January 1, 2013, at which time manufacturers would take over the management of the product stewardship program. It also defines the scope of products covered to include nonprescription drugs.

CHPA opposes the proposed program because it sets up an ineffective and complex system of regulation which manufacturers must participate in regardless of whether any of their products will ever be sent back by consumers. Nonprescription drugs include many types of products that are not subject to abuse and not likely to be returned by their purchasers. In addition, drug take-back programs do not address the primary source of trace amounts of pharmaceuticals in the water – use and excretion. The manufacturers of these products will be subject to a regulatory framework and fees to set up a program that has no demonstrated benefits to the environment or to public safety.

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If enacted, the result of the proposed legislation may be that some manufacturers of products that should not be the targets of this program, such as toothpastes that contain fluoride, lip balms that contain sunscreen, and deodorants that contain an antiperspirant—all of which are drugs and fall under the scope of the proposed legislation—find it infeasible to continue to sell these products in Maine.

Disposal in household trash is the most convenient and environmentally responsible way to dispose of unused medicines. There are programs available to consumers that provide education about proper drug disposal, as well as options for returning unused products. CHPA supports SMARxT Disposal (www.smarxtdisposal.net) and the American Medicine Chest Challenge (AMCC). The SMARxT Disposal Program educates consumers about the proper disposal of unused medicines in household trash. The AMCC is a comprehensive public health initiative to educate the public about safe disposal and the dangers of medicine abuse, which gives consumers the choice of dropping off their unwanted medicines at a local collection site during a national take-back day, or at home using the SMARxT Disposal Program.

We urge the DEP and the Legislature to consider the impact of this unnecessary and ineffective proposal on consumers, and to consider the benefits of existing programs for educating the public about safe medicine disposal.

CHPA appreciates the opportunity to submit comments. Should you have any questions, please contact me at (202) 429-3537 or ral-mondhiry@chpa-info.org.

Sincerely,



Rend Al-Mondhiry
State Legislative Counsel